

REMARKS

The withdrawal of the previous grounds of rejection is respectfully acknowledged.

The New Rejections under 35 U.S.C. §103

The rejections of claims 1 and 6-15 under 35 U.S.C. §103, as being obvious over Ambuhl (US Pub. No. 2004/0198645) in view of Huel or further in view of Gaviraghi (WO 00/27397) and Ohkouchi (US Pub. 2004/0180085), are respectfully traversed.

The rejections should be withdrawn because the Ambuhl reference – which is necessary to both rejections – is not available as prior art to the instant application. The Ambuhl reference was published on October 7, 2004. Its PCT filing date (and US filing date for 35 U.S.C. §102(e) purposes) is May 8, 2003. However, both of those dates are after applicants US provisional priority date of October 2, 2002, from US provisional application number 60/415,357. Applicants have also checked the INPADOC database on the EPO website (see attached) and found no applications corresponding to Ambuhl that were published before October 2, 2002. Thus, Ambuhl is not applicable as prior art. Since the rejections have no basis without reliance on Ambuhl, the rejections should be withdrawn.

It is submitted that the application is in condition for allowance. But the Examiner is kindly invited to contact the undersigned to discuss any unresolved matters.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

/John A. Sopp/

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Attorney Docket No.: 01-1395

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JAS:dap

Family list

11 application(s) for: US2004198645 (A1)

Sorting criteria: Priority Date Inventor Applicant Ecla

1 PHARMACEUTICAL COMPOSITIONS

Inventor: EC: A61K38/13; A61K9/14H4; (+2) Applicant: NOVARTIS AG
Publication AR033711 (A1) - 2004-01-07 IPC: A61K38/00; A61K38/13; A61K47/12; (+13)
Info: Priority Date: 2001-05-09

2 Pharmaceutical compositions comprising cyclosporin

Inventor: LAMBERT OLIVIER ; BONNY JEAN-DANIEL (+2) Applicant: NOVARTIS PHARMA GMBH
EC: A61K38/13; A61K9/14H4; (+2) IPC: A61K38/00; A61K38/13; A61K47/12; (+11)
Publication AU2002341205 (A1) - 2002-11-18 Priority Date: 2001-05-09
Info:

3 PHARMACEUTICAL COMPOSITIONS

Inventor: AMBUEHL MICHAEL ; BONNY JEAN-DANIEL (+2) Applicant: NOVARTIS AG [CH]
EC: A61K38/13; A61K9/14H4; (+2) IPC: A61K38/00; A61K38/13; A61K47/12; (+11)
Publication BR0209489 (A) - 2004-07-06 Priority Date: 2001-05-09
Info:

4 SOLID PHARMACEUTICAL COMPOSITIONS COMPRISING CYCLOSPORIN

Inventor: LUECKEL BARBARA [DE] ; LAMBERT OLIVIER [FR] (+2) Applicant: NOVARTIS AG [CH]
EC: A61K38/13; A61K9/14H4; (+2) IPC: A61K38/00; A61K38/13; A61K47/12; (+11)
Publication CA2446798 (A1) - 2002-11-14 Priority Date: 2001-05-09
Info: CA2446798 (C) - 2009-12-29

5 Pharmaceutical compositions comprising cyclosporin

Inventor: AMBIL M [CH] ; BONNY J D [CH] (+1) Applicant: NOVARTIS AG [CH]
EC: A61K38/13; A61K9/14H4; (+2) IPC: A61K38/00; A61K38/13; A61K47/12; (+11)
Publication CN1518442 (A) - 2004-08-04 Priority Date: 2001-05-09
Info: CN100558405 (C) - 2009-11-11

6 COMPOSICIONES FARMACEUTICAS

Inventor: LAMBERT OLIVIER [FR] ; BONNY JEAN-DANIEL (+2) Applicant: NOVARTIS AG
EC: IPC: A61K9/14; A61K9/16; A61K9/28; (+4)
Publication ECSP024344 (A) - 2004-06-28 Priority Date: 2001-05-09
Info:

7 PHARMACEUTICAL COMPOSITIONS

Inventor: AMBUEHL MICHAEL [CH] ; BONNY JEAN-DANIEL [CH] (+2) Applicant: NOVARTIS AG [CH] ; NOVARTIS PHARMA GMBH [AT]
EC: A61K38/13; A61K9/14H4; (+2) IPC: A61K38/00; A61K38/13; A61K47/12; (+11)
Publication EP1392244 (A2) - 2004-03-03 Priority Date: 2001-05-09
Info:

8 PHARMACEUTICAL COMPOSITIONS

Inventor: EC: A61K38/13; A61K9/14H4; (+2) Applicant:
Publication JP2004528358 (T) - 2004-09-16 IPC: A61K38/00; A61K38/13; A61K47/12; (+16)
Info: Priority Date: 2001-05-09

9 PHARMACEUTICAL COMPOSITIONS

Inventor: AMBUHL MICHAEL [CH] ; LUCKEL BARBARA [DE] (+2) Applicant: NOVARTIS AG [CH]
EC: A61K38/13; A61K9/14H4; (+2) IPC: A61K38/00; A61K38/13; A61K47/12; (+11)
Publication PE11602002 (A1) - 2003-02-25 Priority Date: 2001-05-09
Info:

10 Pharmaceutical compositions

Inventor: AMBUHL MICHAEL [CH] ; LUCKEL BARBARA [DE] (+2) Applicant: AMBUHL MICHAEL ; LUCKEL BARBARA, (+2)
EC: A61K38/13; A61K9/14H4; (+2) IPC: A61K38/00; A61K38/13; A61K47/12; (+10)
Publication US2004198645 (A1) - 2004-10-07 Priority Date: 2001-05-09
Info:

11 PHARMACEUTICAL COMPOSITIONS

Inventor: AMBUEHL MICHAEL [CH] ; BONNY JEAN-DANIEL [CH] (+2) Applicant: NOVARTIS AG [CH] ; NOVARTIS ERFIND VERWALT GMBH [AT] (+4)
EC: A61K38/13; A61K9/14H4; (+2) IPC: A61K38/00; A61K38/13; A61K47/12; (+11)
Publication WO02089773 (A2) - 2002-11-14 Priority Date: 2001-05-09
Info: WO02089773 (A3) - 2003-02-06

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